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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,811	09/30/2003	Thomas Chadzelek	09700.0055-00	3078

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SAP / FINNEGAN, HENDERSON LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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06/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/676,811

**Applicant(s)**

CHADZELEK ET AL.

**Examiner**

NICHOLAS AUGUSTINE

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 3/20/2009. This action is made **Final**.
- B. Claims 1-3, 7-9 and 13-15 remain pending. Claims 4-6 and 10-12 are cancelled.
- 

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As for claims 1-3, the method described is not of a tie to another class of invention. (*In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008)); the method claim does not transform any physical article to a different state or thing. A computer program per se "computer product" (falls under logic, abstract ideas) is not included in one of the statutory categories of invention, more information about this matter is covered in the Annex IV of the Interim Guidelines for Subject matter Eligibility. The following link on the World Wide Web is for the United States Patent And Trademark office (USPTO) policy on 35 U.S.C. §101  
<[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)>

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 7-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byun et al. (US Pub. 2001/0015721), herein referred to as "Byun" in view of Lemley, Brad, herein referred to as "Lemley".

As for claims 1, 7 and 13, Byun teaches a method with corresponding computer product and system for navigating user interface elements, the method comprising:

grouping user interface elements of a user interface of a computer program application hierarchically into parent groups and sibling groups (figure 6A) based on alphanumeric characters contained in text labels for the user interface elements (figures 6A-C; par.36, 40-42; *the device has a plurality of parent groups and sibling groups, wherein the first*

*parent group is the main menu accessible by the user pressing the menu option further having sibling groups under each parent node; a text label for the selectable graphical element is indicative of the function the graphical element can perform upon selection and also is grouped with respective other graphical elements belonging to that parent group; in such that a text label of a graphical element that functions with parent 1 would not be displayed with other graphical elements that belong to parent 2; thus based on the alphanumeric characters in text labels for the graphical elements that the elements are organized into their respective groups);*

detecting a user navigation input comprising a sibling navigation input or a parent navigation input, the sibling navigation input comprising a key press of a first key, the first key identifying a first sibling group of user interface elements identifier, and the parent navigation input comprising a key press of a second key, the second key identifying a parent group of user interface elements identifier (par.42-45);

if the detected navigation input is the sibling navigation input, shifting input focus to a next sibling group in the hierarchy; and

if the detected navigation input is the parent navigation input, shifting input focus to a parent group in the hierarchy (par.46-48).

Byun does not specifically state that the left, right, up and down shift keys can be that of alphanumeric keys, however in same field of endeavor Lemley teaches navigational keys being a plurality of alphanumeric character keys (figure 1; par.18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

Lemley into Byun, this is true because Lemley teaches of a solution of how to navigate a hierarchical structured menu interface presented on a mobile device such as a cellular phone (figure 1, par.7). Byun also solves the problem of how to navigate a hierarchical menu structure presented on a mobile device such as a cellular phone as indicated throughout the analysis of claim 1, 7 and 13.

As for dependent claims 2, 8 and 14, Byun teaches the method of claim 1, further comprising: creating one or more hierarchical tab chains to contain all user interface elements currently displayed by the application, wherein a node in a tab chain hierarchy is a container comprising one or more user interface elements and the container comprises a tab chain that contains all the user interface elements in the container (figures 6A-C; par.46-48).

As for dependent claims 3, 9 and 15, Byun teaches the method of claim 2, wherein: creating a new view creates a view container with a hierarchical tab chain that contains all the user interface elements for the new view; and the hierarchical tab chain for the new view is added to the existing tab chain by adding a new node for the new view container in the existing hierarchical tab chain (figures 6A-C; par.46-48; wherein a new submenu is rendered per input by the user from changing/ using parent key).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 7-9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogdan, Jeffrey L. (US 6,169,984), herein referred to as "Bogdan".

As for claims 1, 7 and 13, Bogdan teaches a method with corresponding computer product and system for navigating user interface elements, the method comprising: grouping user interface elements of a user interface of a computer program application hierarchically into parent groups and sibling groups (col.6, lines 1-23) based on alphanumeric characters contained in text labels for the user interface elements (col.6, lines 24-39);

detecting a user navigation input comprising a sibling navigation input or a parent navigation input, the sibling navigation input comprising a key press of a first alphanumeric character, the first alphanumeric character-identifying a first sibling group of user interface elements identifier, and the parent navigation input comprising a key press of a second alphanumeric character, the second alphanumeric character identifying a parent group of user interface elements identifier (col.6, line 56 – col.7, line 9; col.7, lines 27-53;

if the detected navigation input is the sibling navigation input, shifting input focus to a

next sibling group in the hierarchy; and

if the detected navigation input is the parent navigation input, shifting input focus to a parent group in the hierarchy (col.7, lines 27-67).

As for dependent claims 2, 8 and 14, Bogdan teaches, the method of claim 1, further comprising: creating one or more hierarchical tab chains to contain all user interface elements currently displayed by the application, wherein a node in a tab chain hierarchy is a container comprising one or more user interface elements and the container comprises a tab chain that contains all the user interface elements in the container (figure 3 and 5-8; col.7, lines 27-67; col.8, lines 33-65).

As for dependent claims 3, 9 and 15, Bogdan teaches the method of claim 2, wherein: creating a new view creates a view container with a hierarchical tab chain that contains all the user interface elements for the new view; and the hierarchical tab chain for the new view is added to the existing tab chain by adding a new node for the new view container in the existing hierarchical tab chain (col.8, lines 33-65; input from the user is used to generate views of information based upon what the user inputs into the system, the system will focus on components from the graphical user interface based upon the input from the user and this will be presented).

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**(Note :)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 7-9 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/  
Primary Examiner, Art Unit 2179

/Nicholas Augustine/  
Examiner  
Art Unit 2179  
June 2, 2009